

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Petition
of Minnesota Power & Light
Company, d/b/a Minnesota
Power, for Authority to Change
Its Schedule of Rates for
Retail Electric Service in the
State of Minnesota

ISSUE DATE: March 21, 1988

DOCKET NO. E-015/GR-87-223

ORDER GRANTING PETITIONS FOR
REHEARING AND VARYING TIME
FOR REPLIES

PROCEDURAL HISTORY

On March 1, 1988, the Minnesota Public Utilities Commission (the Commission) issued its Findings of Fact, Conclusions of Law, and Order in the above-captioned proceeding.

Pursuant to Minn. Stat. § 216B.27 (1986) any party to this proceeding and any other person aggrieved by the decision and directly affected by it may apply to the Commission for rehearing within 20 days after service of the Commission's March 1, 1988 Order. Persons seeking rehearing of the March 1, 1988 Order have until March 21, 1988 to file their petitions. To this date timely petitions for rehearing of the March 1, 1988 Order have been filed by Hibbing Taconite Company, Inland Steel Mining, National Steel Pellet Company and USX Corporation jointly (the Inland Group) and Minnesota Power & Light Company (Minnesota Power).

FINDINGS AND CONCLUSIONS

Under Minn. Stat. § 216B.27, subd. 4 (1986), any application for rehearing not granted within 20 days from the date of filing is deemed denied. The Commission finds that timely petitions for rehearing of this matter deserve a careful review. In order to allow sufficient time for the Commission to fully review and address the parties' arguments raised in their petitions, the Commission will grant all petitions for rehearing filed on or before March 21, 1988.

Minn. Rules, part 7830.4100 provides that an adverse party shall have ten days from the date of service of a petition for rehearing to answer it. Because the Commission has granted rehearing only for the purpose of looking at the claims raised in the petitions, it will need the replies which address the merits of the petitions' claims.

By the terms of Minn. Rules, part 7830.4400, the Commission is empowered to grant a variance to any of its rules in an instance where it appears to the satisfaction of the Commission that enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule, granting of the variance would not adversely affect the public interest, and granting of the variance would not conflict with standards imposed by law.

Due to the fact that some petitions for rehearing have been filed early in the twenty day period for filing, the timing for replies has become complicated. By rule, replies are due ten days from the service date of the petition for rehearing. Because petitions may be filed on different days, separate replies to each petition could be done. Preparing separate replies could be burdensome on parties as well as on the Commission.

The Commission finds that enforcing Minn. Rule, part 7830.4100, regarding the filing of replies to petitions for rehearing, will impose an excessive burden on parties to this proceeding. It would require parties to file multiple replies as each becomes due depending on the filing date of a particular petition for rehearing.

The Commission finds that varying Minn. Rules, part 7830.4100 to allow replies to be due on a single date will not adversely affect the public interest, but will serve the public interest. It will allow participants in this proceeding to respond to petitions efficiently.

Finally, the Commission finds that varying Minn. Rules, part 7830.4100 will not conflict with standards imposed by law.

The Commission concludes that the requirements of Minn. Rules, part 7830.4400 have been met and will order Minn. Rules, part 7830.4100 varied to allow parties to file replies to petitions for rehearing with the Commission and serve them on all parties not later than 4:30 p.m. on March 31, 1988.

ORDER

1. Petitions for rehearing filed with the Commission on or before March 21, 1988, are hereby granted as to the issues raised in the petitions. A Commission Order determining the issues raised in the petitions will be issued after rehearing.
2. Minn. Rules, part 7830.4100 is hereby varied to allow parties to file replies to timely petitions for rehearing with the Commission and serve them on all parties no later than 4:30 p.m. on March 31, 1988.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)